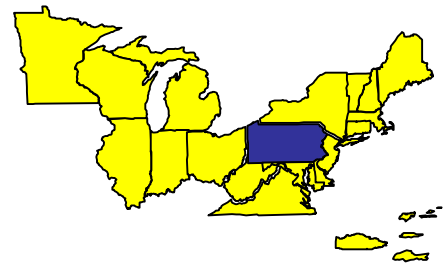




U.S. Army
Northern Regional Environmental Office
Environmental Regulatory Profile
PENNSYLVANIA



This document, which will be updated periodically, provides an overview of environmental regulatory programs and issues in Pennsylvania. The impressions and viewpoints expressed herein are those of the Army Northern Regional Environmental Office, and are based on publicly available information and interaction with Commonwealth of Pennsylvania personnel. Section I describes the principal state regulatory agencies. Section II discusses the state's priorities with regard to current and future program implementation. Section III summarizes environmental regulatory issues affecting Army operations in Pennsylvania and efforts made to address them. Section IV provides a directory of key Pennsylvania executive branch officials and legislative leaders.

I. Environmental Regulatory Agencies

A. Department of Environmental Protection. The Department's mission is to protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. The Department has its central office in Harrisburg and six regional offices. The regional offices are:

- Southeast Regional Office – Conshohocken, PA (Bucks, Chester, Delaware, Montgomery, and Philadelphia counties)
- Northeast Regional Office – Wilkes-Barre, PA (Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming counties)
- Southcentral Regional Office – Harrisburg, PA (Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York counties)
- Northcentral Regional Office – Williamsport, PA (Bradford, Cameron, Clearfield, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union counties)
- Southwest Regional Office – Pittsburgh, PA (Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, and Westmoreland counties)
- Northwest Regional Office – Meadville, PA (Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren counties)

The central office of the DEP is responsible for overall program direction, including policy and regulation development, legislative liaison, and grants administration. The six regional offices are responsible for implementing the permitting, enforcement, compliance assistance, pollution prevention, and emergency response activities of the Department in all the environmental program areas.

B. Department of Conservation and Natural Resources. Established on July 1, 1995, the Department employs 1,300 employees and has an annual budget of \$230 million. It is charged with maintaining and preserving the 116 state parks, managing the 2.1 million acres of state forest land, providing information on the state's ecological and geological resources, and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas. The Department has no regulatory authority.

C. Fish and Boat Commission. The Commission sets rules and regulations governing fishing and boating in all inland and boundary waters of the state. In addition to managing and protecting the state's aquatic resources, the Commission is responsible for all the state's reptiles and amphibians. The Commission consists of ten members serving eight-year terms. Eight members represent specific geographic locations, while the ninth and tenth are members-at-large. The Executive Director is appointed by the commission.

D. Game Commission. The Commission is an independent administrative agency responsible for the scientific management of all wildlife in the state. The Commission is composed of eight members, each of whom serves an eight-year term, following appointment by the Governor and confirmation by the Senate. Members are appointed from one of eight geographical districts. The Commission includes a Bureau of Wildlife Management and a Bureau of Land Management.

E. Citizen Boards. There are a number of citizen boards in Pennsylvania that serve to represent the public's interests during the regulation development process. The Citizens Advisory Council is the primary board that represents the public on all environmental issues. The Council includes 16-20 members appointed to four-year terms by either the Governor or the legislature. There also are a number of media-specific boards and advisory councils and committees, such as the Solid Waste Advisory Committee, the Water Resources Advisory Council, the Mining and Reclamation Advisory Committee, and the State Conservation Commission. All these advisory committees, councils and boards serve to advise the DEP of the public's concerns regarding environmental matters. Pennsylvania also has an Environmental Quality Board that provides an independent final review of all regulations similar to the review of federal regulations performed by the federal Office of Management and Budget.

F. State Primacy. The Commonwealth of Pennsylvania has primacy to administer all the environmental programs for which states can have primacy except for an industrial pretreatment program, and radiation protection. The remediation of NPL sites is the only other aspect of the environmental program for which the U.S. Environmental Protection Agency (USEPA) is the lead agency.

II. Pennsylvania Department of Environmental Protection Priorities

A. 21st Century Environmental Commission. Pennsylvania conducted a year-long in-depth effort to determine Pennsylvania's 21st century environmental priorities. The commission consisted of 40 participants representing businesses, environmental organizations, academics, philanthropy, and local and state government. The report concluded that no environmental issue is more controversial than land use. Besides land use, the report recommended action in four other areas – conservation and sustainable use of natural resources; bettering human health and environmental quality; improving the way industry, government, and citizens achieve environmental results; and advancing environmental stewardship. The report has served as the

basis for establishing environmental priorities in Pennsylvania. The Environmental Planning Process is being implemented at the regional office level in DEP.

B. Environmental Futures Planning Process. Environmental Futures, which replaces DEP's traditional program planning process, is modeled after the environmental management system concept that uses the "Plan-Do-Check-Review" process applied to improving the condition of the environment. The system involves setting statewide environmental goals; identifying, through a cause and effect analysis, the condition of the environment and its related causes; establishing objectives; and carrying out strategic activities designed to meet the objectives and address the causes. Performance and effectiveness of these activities will be measured, and actions taken based on the results of an evaluation to further enhance and improve the environment. Each year, DEP will distribute a progress report card, which will involve input from all relevant stakeholders, including DEP employees and their non-DEP partners.

C. Environmental Stewardship. The Governor's "Growing Greener" Initiative continues to be a top environmental priority. The "Growing Greener" Initiative creates the Environmental Stewardship Fund, and establishes the \$645.9 million fund over the next five years. The funds will be distributed among the Departments of Agriculture, Conservation and Natural Resources, Environmental Protection, and PennVEST, and will be used for a variety of purposes from watershed protection to forest conservation.

D. Water Quality. The Bureau of Watershed Conservation has published its 5-Year Plan for TMDL Development. The plan identifies specific impaired water body segments from the last 303(d) list and a timeline of proposed TMDL submittals. Preparation of TMDLs is on schedule.

E. Air Quality. The USEPA has advised Pennsylvania that it needs to revise its air quality plan for the five-county Philadelphia area to include additional measures for reducing ozone-causing pollution by October 2001. The Philadelphia area needs to reduce its VOC emissions by an additional 62 tons per day and its NOx emissions by an additional 3 tons per day in order to meet the one-hour ozone standard. The Pennsylvania DEP will be reworking the plan during 2001.

F. West Nile Encephalitis. The Departments of Health and Environmental Protection, in cooperation with other state agencies and local governments, have initiated aggressive programs to monitor for potential mosquito and animal carriers of the virus. Pennsylvania has budgeted \$11.3 M in new funding to mitigate potential public health effects.

III. Environmental Regulatory Issues Affecting Army Operations

A. Vehicle Enhanced Inspection and Maintenance Program. Regulations implementing the Clean Air Act Amendments of 1990 (40 CFR 51.356) require that vehicles operated on federal facilities located in areas of serious, severe, or extreme ozone or carbon monoxide non-attainment be tested, regardless of whether the vehicles are registered in the state or the local non-attainment area in which the federal facility resides. Pennsylvania is considering how to implement the program.

B. Multi-Site Agreements. The DEP and the military services negotiated a Cooperative Multi-Site Agreement (MSA) that was signed on July 4, 1998. The DOD and the military services are committed to the MSA as the model for cooperative remediation agreements between regulators and organizations responsible for cleanups. The MSA has long-term goals focused on having a remedy in place, or other site resolution, for all the sites included in the

MSA by 2010. The agreement has annual schedules that must be met by the military services to achieve these goals. To date over 100 sites have been resolved. This past year PADEP completed their Pilot Study Project addressing the 659 sites the military services considered required no further action. As a result of the study almost 600 sites will be able to be moved to the resolved list, while some others will require further study before they can be resolved. Another small group of these sites will be moved to the list of sites that have on-going remediation activities, but are not covered by the terms of the agreement.

C. Environmental, Facility, Application, Compliance Tracking System (eFACTS). The new environmental, Facility, Application, Compliance Tracking System improves upon the former compliance reporting system known as the Environmental Protection Interim Compliance System (EPICS). The new eFACTS adds additional search capabilities and includes permitting information. The compliance status of all DOD facilities in Pennsylvania is available to anyone on the internet at <http://www.state.pa.us>, as is the status of all an installation's environmental permits. Additional features have been added to include e-facts spatial – which makes use of GIS mapping and reporting and E-Facts Alert – to enable individuals to register for classes of permits and receive notice of when permits fitting the inquirer's interests are published. The system essentially lets you know what is going on in just the areas you are interested in learning more about.

D. Watershed Approach to Environmental Management. Pennsylvania has begun to organize its environmental protection activities around the Commonwealth's watersheds instead of bureaucratic boundaries or medium-specific programs. Approximately 35 watershed teams have been formed, and military facilities will be invited to join these teams in the future. This process continues with the division of the DEP regional offices into 35 watershed teams. Each team is developing reports on environmental indicators. Eventually the reports will be used to develop Environmental Action Plans to guide state efforts in environmental restoration and protection activities.

E. PA/DOD Pollution Prevention Partnership. A major area of emphasis within Pennsylvania is pollution prevention. Preliminary discussions have occurred to develop a pollution prevention partnership between Pennsylvania, the Environmental Protection Agency, and all the military activities in the Commonwealth. One of the primary goals of the partnership will be to share innovative programs and technologies that minimize waste generation.

F. New Municipal and Residential Waste Regulations. New regulations have been adopted based on the Secretary's Regulatory Initiative to make Commonwealth regulations no more stringent than federal regulations, unless unique circumstances exist. The new regulations went into effect at the beginning of 2001.

G. Pennsylvania Web Page. The Commonwealth of Pennsylvania has expended considerable effort in developing a comprehensive website. Included on the web page are links to many state departments and organizations. Both the Department of Environmental Protection and the Department of Conservation and Natural Resources have extensive pages on the site.

- Commonwealth of Pennsylvania – <http://www.state.pa.us>
- Department of Environmental Protection – <http://www.dep.state.pa.us>
- Department of Conservation and Natural Resources – <http://www.dcnr.state.pa.us>